IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 34907 of 2006

DATE OF DECISION : 14.09.2006

Rajesh Kumar and another

.... PETITIONERS

Versus

State of U.T. and another

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. R.S. Sodhi, Advocate,
for the petitioners.

Mr. Rajeev Sharma, Advocate,
Standing Counsel for U.T. Chandigarh.

The petitioners, apprehending their arrest in a non-bailable offence in case FIR No. 58 dated 31.3.2006 registered under Sections 406/498-A IPC and Section 31 of the Domestic Violence Act, 2005, registered at Police Station Sector 31, Chandigarh, have filed this petition under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail.

I have heard counsel for the parties and have gone through the contents of the FIR.

Counsel for the petitioners contends that in this case, when father of petitioner No.1 was taken into custody, almost all the dowry articles, which were in possession of the petitioners and their family members, were handed over to the police. He further contends that petitioner No.1, husband of the complainant, was always reading to take the complainant-wife and he has already filed a petition for restitution of conjugal rights, but she is not prepared to live with petitioner No.1. Counsel for the petitioners further states that in terms of the interim order dated July 27, 2006, passed by this Court, the petitioners have joined the investigation.

This fact has not been disputed by the State counsel.

In view of the above, without commenting on the merits, the interim bail, granted vide order dated June 7, 2006, is made absolute subject to the same terms and conditions.

This bail order shall remain in operation till the investigation culminates into filing of challan under section 173 Cr.P.C. except for material change in the circumstances. Thereafter the petitioner shall be entitled to the grant of regular bail by the trial court and the same shall further continue till conclusion of the trial on the conditions to be imposed by the court of competent jurisdiction.

Disposed of accordingly.

September 14, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**